

24 March 1976

NOTE FOR ^{W.P.} ☐ OLC

Referenc e is your telephone request of 23 March for backup material re the need for legislation to establish a Deputy DCI for the Intelligence Community.

Attached is some material prepared by ☐

I would appreciate it if you would review the memo with him, and we can then put it in any format which you desire.



24 March 1976

MEMORANDUM FOR:

SUBJECT : Need for Legislation to Establish DDCI/IC vice
a D/DCI/IC

STAT

1. What follows are some ideas about the necessity for establishing a Deputy Director of Central Intelligence for the Community (DDCI/IC) vice a Deputy to the Director of Central Intelligence for the Intelligence Community (D/DCI/IC). These are not listed in any priority.

a. The Congress does participate in the confirmation and endorsement of the leadership of the Intelligence Community. It does this by confirming the selection of the DCI and his agency deputy; the ASD for Intelligence in the Department of Defense is also similarly confirmed as is the Director of the FBI. It may be that other intelligence community agency directors, i. e., Director, NSA will be confirmed by the Congress as a result of recent Congressional investigations.

b. To give the community deputy's role a legitimacy it would otherwise lack the Congress ought to confirm the person who is appointed to that post. This is important not only from the Congressional perspective but also from the Executives perspective, if the symmetric structure of the Intelligence Community envisaged by E.O. 11905 is to be fully implemented.

c. The Executive Order very clearly outlines the duties and responsibilities of the DCI and stipulates that the Director shall "to the extent consistent with his statutory responsibilities, delegate the day-to-day operation of the Central Intelligence Agency to the Deputy Director of Central Intelligence." The E.O. is precise on the point that the DDCI shall act for, and exercise the powers of the Director during his absence, in the supervision and direction of the CIA. Since the day-to-day operation and

supervision of the Agency is an important and full-time job, the agency deputy could not be expected to discharge the responsibilities for the supervision and direction of the Intelligence Community. [Without a clear legislative provision, that will separate and at the same time establish the Deputy for the Community as a co-equal to the Deputy for the Agency, then there will be confusion about the CIA chain-of-command and certainly within the Community.]

d. The position of Deputy Director of Central Intelligence for the Community, established by law, will accomplish the following:

- (1) More clearly define the DCI's Community Role.
- (2) Will not disrupt the CIA chain-of-command.
- (3) Ensures that the DCI's relationship with the DDCI is clearly defined as related to CIA only.
- (4) Recognizes institutionally the DCI's need to be impartial in resource matters and through the Agency Deputy his close link to CIA on substantive matters.
- (5) Can not be criticized as "CIA in disguise."
- (6) Offers a balance in responsibilities of deputies and a clear separation of their roles.

e. To establish the position of Deputy to the DCI for the Community by law would assist the DCI in supervising and directing the Intelligence Community by:

- (1) Allowing the Community Deputy to exercise the powers of the DCI during his absence for the management of the Intelligence Community in sharing and staffing all Community boards and committees.
- (2) Representing the DCI, in his absence, as the Intelligence Community's spokesman to the Congress and facilitating the use of foreign intelligence products by Congress or on budget matters.

(3) Lends credence to Community leadership on providing guidance and technical assistance to other Government departments and agencies performing foreign intelligence activities.

f. The Deputy Director of Central Intelligence for the Community (DDCI/IC) would head the Intelligence Community Staff and will allow him to act for the DCI, in his absence, on CFI matters.

g. The establishment of this position in law would create a streamlined command structure for the Intelligence Community leadership and make specifically designated individuals accountable.



STAT